

3.104-8 Criminal and civil penalties, and further administrative remedies.

Criminal and civil penalties, and administrative remedies, *may* apply to conduct that violates [41 U.S.C. chapter 21](#) (see [3.104-3](#)). See [33.102\(f\)](#) for special rules regarding bid protests. See [3.104-7](#) for administrative remedies relating to contracts.

(a) An *official* who knowingly fails to comply with the requirements of [3.104-3](#) is subject to the penalties and administrative action set forth in [41 U.S.C. 2105](#).

(b) An *offeror* who engages in employment discussion with an *official* subject to the restrictions of [3.104-3](#), knowing that the *official* has not complied with [3.104-3\(c\)\(1\)](#), is subject to the criminal, civil, or administrative penalties set forth in [41 U.S.C. 2105](#).

(c) An *official* who refuses to terminate employment discussions (see [3.104-5](#)) *may* be subject to agency administrative actions under 5 CFR 2635.604(d) if the *official's* disqualification from participation in a particular *procurement* interferes substantially with the individual's ability to perform assigned duties.

Parent topic: [3.104 Procurement integrity](#).